



OFFICE OF THE  
**DISTRICT ATTORNEY**  
Stanislaus County

832 12<sup>th</sup> Street, Suite 300  
Modesto, CA 95354  
Mailing: P. O. Box 442, Modesto, CA 95353  
Phone: (209) 525-5550 Fax: (209) 525-5545

**Birgit Fladager**  
**District Attorney**  
Carol Shipley  
Assistant District Attorney  
Chief Deputy District Attorneys  
Jerry Begen  
Steve Casey  
John Goold  
Dave Harris

State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

To whom it may concern:

After reviewing the proposed regulations and conferring with multiple individuals from the Northern Central Valley Dairy Task Force, this office would like to make the following comments concerning the proposed changes to regulations concerning dairy discharges.

Although the idea of having dischargers sample discharges when they occur seems logical and reasonable, the proposed regulations lack the specificity for such dischargers to follow. For instance, there should be specific requirements for training that dairy operators need to follow in the event that there is a discharge. Furthermore, the proposed regulations seem to lack clarity regarding how the quality of the sample can be assured when performed by the discharger.

The proposed regulations also appear to target those dischargers who will assume some responsibility for the discharge by taking the appropriate steps of sampling and testing the discharged material. What seems to be left out is those dischargers who discharge and do no sampling or testing. Perhaps some provisions dealing with such a scenario should be included.

The perceived purpose of the regulations is to have more precise data as a result of sampling done by the discharger close in time to when the discharge actually happened. And this goal could better be achieved by ensuring that those who perform the sampling are well trained, as well as keep accurate records concerning the reported discharges, sampling and testing.

We believe that these regulations should make for better sampling, regulators and ultimately cases better suited for enforcement. What is feared is that by having the discharger

take samples, there will be "dueling samples" admitted into evidence. If this the chosen route, we request that the requirements for the training of, sampling and record-keeping by the dischargers be clarified to ensure reliability of the samples. If the reliability of the sampling can be better assured, we believe that there is the possibility the new regulations could help determine which dairies are creating pollution problems in any given watershed.

Thank you for the opportunity to comment on the proposed waste discharge requirements.

Sincerely,

/s/

Matthew Maclear  
Deputy District Attorney